

Remarks

Favorable reconsideration is respectfully requested in view of the above amendments and the following comments. The specification has been amended to include priority information, as seen for example in the Filing Receipt. No new matter has been added as a result of this amendment.

The Examiner has objected to the disclosure for referring to the claims. The specification was previously amended in the February 17, 2004 Preliminary Amendment. The passages now cited by the Examiner were removed at that time. From the Examiner's comments, it appears that said Preliminary Amendment is indeed part of the patent file.

With respect to providing antecedent support for the term "atherectomy", Applicants note that the specification is not required to provide verbatim, word-for-word support for each and every term used in the claims. Indeed, MPEP §608.01(o) merely states that "The meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification... (emphasis added)". Applicants assert that one of ordinary skill in the art, having reviewed the specification, would clearly interpret the specification as describing an atherectomy device. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 11-12 and 14-19 under 35 U.S.C. §102(e) as anticipated by Taylor, U.S. Patent No. 6,001,112. However, Taylor is not available as prior art against the present invention.

In particular, Taylor has a filing date of April 25, 1998. The present invention, however, has an effective U.S. filing date, by virtue of being a continuation of U.S. Patent No. 6,689,089, of February 25, 1998. Thus, the present invention enjoys an effective U.S. filing date that proceeds the reference. Therefore, the reference is unavailable, and the rejection must be withdrawn. Applicants do not concede the correctness of the rejection. Favorable reconsideration is respectfully requested.

Applicants respectfully submit that all pending claims, namely claims 11-19, are in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference may be of assistance, please contact the undersigned attorney at 612-677-9050.

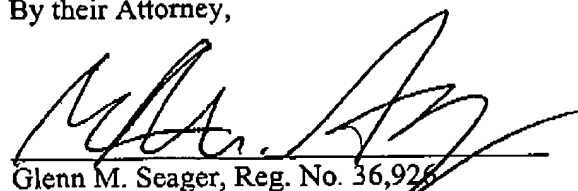
Respectfully submitted,

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By their Attorney,

Date:

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